

E-FILED ON JUNE 18, 2007

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Attorneys for Debtors

UNITED STATES BANKRUPTCY COURT**DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

In re:
**USA CAPITAL DIVERSIFIED TRUST DEED
 FUND, LLC,**
 Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

In re:
USA SECURITIES, LLC,
 Debtor.

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☒ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under
 Case No. BK-S-06-10725 LBR

**NOTICE OF ENTRY OF ORDER
 SUSTAINING IN PART THE
 OMNIBUS OBJECTION OF USA
 CAPITAL REALTY ADVISORS,
 LLC TO CERTAIN CLAIMS AND
 CERTIFICATE OF SERVICE**

Hearing Date: April 26, 2007
 Hearing Time: 9:30 a.m.

SCHWARTZER & MCPHERSON LAW FIRM
 2850 South Jones Boulevard, Suite 1
 Las Vegas, Nevada 89146-5308
 Tel: (702) 228-7590 · Fax: (702) 892-0122

NOTICE IS HEREBY GIVEN that an Order Sustaining in Part the Omnibus Objection of USA Capital Realty Advisors, LLC to Certain Claims was entered on the 15th day of May, 2007, a copy of which is attached hereto.

Dated: this 30th day of May, 2007.

/s/ Lenard E. Schwartzer, Esq

Lenard E. Schwartzer, Nevada Bar No. 0399
Jeanette E. McPherson, Nevada Bar No. 5423
SCHWARTZER & MCPHERSON LAW FIRM
2850 South Jones Boulevard, Suite 1
Las Vegas, Nevada 89146

and

Annette W. Jarvis, Utah Bar No. 1649
RAY QUINNEY & NEBEKER P.C.
36 South State Street, Suite 1400
P.O. Box 45385
Salt Lake City, Utah 84145-0385

1. On June 18, 2007 I served the following document(s):

a. Notice of Entry of Order Sustaining in Part the Omnibus Objection of USA Capital Realty Advisors, LLC to Certain Claims

2. I served the above-named document(s) by the following means to the persons as listed below:

☐ a. By ECF System:

☒ b. By United States mail, postage fully prepaid:

SEE ATTACHED MAILING LIST

☐ c. By Personal Service

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ d. **By direct email (as opposed to through the ECF System)**

Based upon the written agreement to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ e. **By fax transmission**

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

☐ f. **By messenger**

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service.

I declare under penalty of perjury that the foregoing is true and correct.

Signed on: June 18, 2007

SARAH ARNOLD
(Name of Declarant)

/s/ SARAH ARNOLD
(Signature of Declarant)

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3/9/94
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Las Vegas, NV 89145-8659

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McGimsey, Sharon Or Jerry
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Trustee Of The Decedent's Trust Of The
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C/O Michael M Schmahl
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Case: 06-10725-lbr

Doc #: 3733

Filed: 05/15/2007

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Entered on Docket
May 15, 2007

L. B. Riegler

Hon. Linda B. Riegler
United States Bankruptcy Judge

Annette W. Jarvis, Utah Bar No. 1649
Steven C. Strong, Utah Bar No. 6340
RAY QUINNEY & NEBEKER P.C.
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Attorneys for USA Realty Advisors, LLC

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re: USA COMMERCIAL MORTGAGE
COMPANY, Debtor.

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

In re: USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

Chapter 11
Jointly Administered Under
Case No. BK-S-06-10725 LBR

In re: USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC, Debtor.

In re: USA CAPITAL FIRST TRUST DEED FUND,
LLC, Debtor.

**ORDER SUSTAINING IN PART THE
OMNIBUS OBJECTION OF USA
CAPITAL REALTY ADVISORS, LLC
TO CERTAIN CLAIMS**

In re: USA SECURITIES, LLC, Debtor.

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☒ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Date of Hearing: April 26, 2007
Time of Hearing: 9:30 a.m.

SCHWARTZER & MCPHERSON LAW FIRM
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The Omnibus Objection of USA Capital Realty Advisors, LLC ("USA Realty") to Certain Claims (the "Objection") (Docket No. 3017) came before this Court on proper notice at the hearing held April 26, 2007, at 9:30 a.m. Steven C. Strong of Ray Quinney & Nebeker P.C. appeared on behalf of USA Realty, William L. McGimsey appeared on behalf of the Margaret B. McGimsey Trust, Bruce McGimsey, Jerry McGimsey, Sharon McGimsey and Johnny Clark (collectively, the "McGimsey Claimants"), and other appearances were noted on the record.

A response to the Objection was filed by the McGimsey Claimants (Docket No. 3487). No other responses were filed. Based on a prior stipulated order (Docket No. 3520) (the "Kantor Continuance Order"), the claims of Dr. Gary Kantor, Kantor Nephrology Consultants Ltd., and Lynn M. Kantor against USA Realty (the "Kantor Claims") addressed in the Objection were continued for a status hearing on June 15, 2007 at 9:30 a.m.

THE COURT, having considered the Objection and the response thereto, and having determined that good and sufficient cause exists for sustaining the Objection to the extent set forth below, HEREBY ORDERS THAT:

1. The following claim listed on Exhibit A to the Objection is disallowed in its entirety:

<u>Claimant</u>	<u>Proof of Claim No.</u>	<u>Date Claim Filed</u>	<u>Proof of Claim Amount</u>
Haleeth, Daniel R. & Sandra K. Trust Of The Haleeth Family Tr. 23 Moles Dr Durango, CO 81301	10728-00085	1/8/2007	Unknown

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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2. The following claims listed on Exhibit B to the Objection are disallowed in their entirety:

	<u>Claimant</u>	<u>Proof of Claim No.</u>	<u>Date Claim Filed</u>	<u>Proof of Claim Amount</u>
1	Falval, Brenda 262 N Paseo De Juan Anaheim, CA 92807-2319	10726-00011	6/2/2006	50,933.34
2	Falval, Brenda 262 N Paseo De Juan Anaheim, CA 92807-2319	10726-00014	6/2/2006	50,933.34
3	Karen Petersen Tyndall Trust Dated 3/6/94 C/O Karen Petersen Tyndall Trust 1012 Greystone Acres St Las Vegas, NV 89145-8859	10726-00047	11/10/2006	1,116,915.59
4	Moon, Frieda Trustee Of The Decedent's Trust Of The Restated Moon Irrevocable Trust 2504 Callita Ct Las Vegas, NV 89102	10726-00003	5/22/2006	51,033.34
5	Quinn, Edward & Darlene 880 NW Brookhaven Dr Lee's Summit, MO 64081	10726-00026	7/12/2006	156,388.48

3. As to the remaining claims listed on Exhibit A or Exhibit B of the Objection, namely the Kantor Claims and the claims of the McGimsey Claimants against USA Realty, the hearing on the Kantor Claims is continued for a status hearing on June 15, 2007 at 9:30 a.m., as provided in the Kantor Continuance Order, and the hearing on the claims of the McGimsey Claimants against USA Realty is also continued for a status hearing on June 15, 2007 at 9:30 a.m.;

4. The claims that are disallowed pursuant to this Order are disallowed in their entirety and for all purposes as claims against USA Realty and are not allowed as claims against any of the other Debtors in these jointly-administered bankruptcy cases.

SCHWARTZ & McPHERSON LAW FIRM

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Submitted by:
SCHWARTZER & MCPHERSON LAW FIRM
and RAY QUINNEY & NEBEKER P.C.

By: /s/ Lenard E. Schwartzer
LENARD E. SCHWARTZER, ESQ.
JEANETTE H. MCPHERSON, ESQ.
ANNETTE W. JARVIS, ESQ.
STEVEN C. STRONG, ESQ.
Attorneys for USA Capital Realty Advisors, U.C.

APPROVED BY:

By: /s/ William L. McGimsey
William L. McGimsey, Nevada Bar No. 546
WILLIAM L. MCGIMSEY,
A Professional Corp.
601 E. Charleston Blvd.
Las Vegas, NV 89104
*Attorney for Margaret B. McGimsey Trust,
Bruce McGimsey, Jerry McGimsey, Sharon
McGimsey, and Johnny Clark*

Approved By:
OFFICE OF THE U.S. TRUSTEE
By: *[Signature]*
AUGUST E. LANDIS, ESQ.
SCOTT A. FARROW, ESQ.

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